

TANNENBAUM HELPERN SYRACUSE & HIRSCHTRITT LLP

900 THIRD AVENUE

NEW YORK, NEW YORK 10022-4775

(212) 508-6700

FACSIMILE: (212) 371-1084

Writer's Direct Dial: (212) 702-3167
E-mail: berger@thsh.com

By ECF
Hon. Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1610
New York, N.Y. 10007

November 4, 2015

Re: *Mica Duran v. Wolters Kluwer Health, Inc., et al.* 15cv7713 (DLC)

Dear Judge Cote:

This firm represents plaintiff Mica Duran in the above-referenced matter. I write with the consent of counsel for defendants to request clarification of this Court's order of November 3 (attached) staying the litigation but directing the parties to "prepare for the conference" on November 13. The Court's Notice of Initial Pretrial Conference requires the parties prepare for the November 13 conference by agreeing on "a detailed written proposed schedule for any motions and discovery."

Although the parties are happy to prepare a schedule, because the litigation is now stayed, we are unclear whether your Honor intends we do so. We respectfully suggest that the preparation of the schedule be required only if the parties are unable to resolve this matter at mediation. As we will advise the Court on November 13 in more detail, we have already agreed on the guidelines for the mediation and on the documents to be exchanged before the mediation; and we are now engaged in vetting potential mediators. We intend, subject to the mediator's schedule, to conduct the mediation in January or February 2016.

Therefore, to avoid burdening the Court with approving and overseeing a schedule that will not be necessary if the matter is resolved at mediation, we suggest it makes sense for all concerned to only focus on the schedule if one is needed following the mediation. We will immediately advise the Court of the status of the matter after the mediation and, if a schedule is then required, we will propose one for the Court's consideration by whatever date the Court directs.

Very truly yours,


Andrew Berger

cc: Elizabeth Edmondson, Esq., Jenner & Block, Attorneys for Defendants (by ECF)

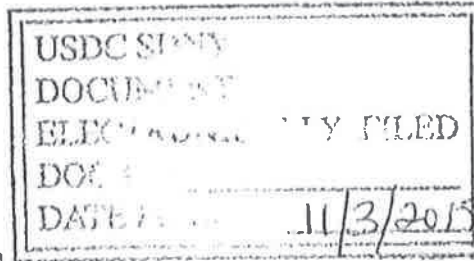
919 THIRD AVENUE NEW YORK NEW YORK 10022-3908

JENNER & BLOCK LLP

VIA ECF

November 2, 2015

Hon. Denise Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007



Elizabeth Edmondson
Tel +1 212 891 1806
Fax +1 212 891-1699
EEdmondson@jenner.com

MEMO ENDORSED

Re: *Mica Duran v. Wolters Kluwer Health, Inc. and Ovid Technologies, Inc.*, 15-cv-07713

Dear Judge Cote:

I represent Defendants Wolters Kluwer Health, Inc. and Ovid Technologies, Inc. ("Defendants") in the above-captioned matter. With the consent of counsel for Plaintiff, I write to express the parties' joint request for a stay of all proceedings in the above-captioned case to allow the parties to attempt to resolve the matter through private mediation. The parties have already begun to agree on guidelines for the mediation and exchanged names of potential mediators.

Thus, we respectfully request that your Honor enter the attached proposed order (a) staying all proceedings in this matter until requested to lift the stay by either of the parties; (b) adjourning the pre-trial hearing currently scheduled for 10 am on November 13 without date pending a request to lift the stay; and (c) extending all deadlines at least 14 days after a request is made to lift the stay, except that Plaintiff's deadline to respond to Defendants' partial motion to dismiss, filed today, be extended for 21 days after a request is made to lift the stay. If the Court wishes to set a control date by which the parties will advise the Court of the status of the matter, the parties will be pleased to so advise the Court on that date.

Respectfully submitted,

Elizabeth Edmondson

cc: Andrew Berger, Tannenbaum Helpert Syracuse & Hirschtritt LLP (Attorney for Plaintiff) (by ECF)

*The request to adjourn the
Nov. 13 conference date is denied.
Litigation is otherwise stayed, except
for actions to prepare for the*

*conference and to attempt
to agree on a mediation
process.*

*James C. [Signature]
11/3/15*